

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

**SEALED SUPERSEDING
INFORMATION**

GERALD MIGDOL, :

S1 21 Cr. 706 (JPO)

Defendant. :

- - - - - X

COUNT ONE
(Conspiracy)

The United States Attorney charges:

1. From at least in or about 2019, up to and including at least in or about 2021, in the Southern District of New York and elsewhere, GERALD MIGDOL, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit: (1) bribery, in violation of Title 18, United States Code, Section 666; and (2) honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that GERALD MIGDOL, the defendant, would and did corruptly give, offer, and agree to give a thing of value to a person with intent to influence and reward an agent of the government of the State of New York, in connection with business, transactions, and a series of

transactions of such government, involving a thing of value of \$5,000 or more, while the State of New York was in receipt of, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, in violation of Title 18, United States Code, Section 666(a)(2).

3. It was further a part and object of the conspiracy that GERALD MIGDOL, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public of its right to the honest services of an elected legislator of the State of New York ("Elected Official-1"), would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346.

Overt Acts

4. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 20, 2019, Elected Official-1 sent GERALD MIGDOL, the defendant, a text message informing MIGDOL of the allocation of \$50,000 in state funds (the "Grant") for a non-profit organization operated by MIGDOL ("Organization-1").

b. On or about July 8, 2019, MIGDOL gave directly to Elected Official-1 three checks totaling approximately \$25,000, which were written in the names of other people or entities, as contributions to a campaign of Elected Official-1.

c. From in or about 2019 through in or about 2021, MIGDOL procured numerous contributions to another campaign of Elected Official-1.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Bribery)

The United States Attorney further charges:

5. From at least in or about 2019, up to and including at least in or about 2021, in the Southern District of New York and elsewhere, GERALD MIGDOL, the defendant, corruptly gave, offered, and agreed to give a thing of value to a person with intent to influence and reward an agent of the government of the State of New York, in connection with business, transactions, and a series of transactions of such government, involving a thing of value of \$5,000 or more, while the State of New York was in receipt of, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, MIGDOL offered to and did give and procure campaign contributions for Elected Official-1, intending to influence Elected Official-1 in

connection with Elected Official-1's use of official authority and influence to obtain the Grant.

(Title 18, United States Code, Sections 666(a)(2) and 2.)

COUNT THREE

(Honest Services Wire Fraud)

The United States Attorney further charges:

6. From at least in or about 2019, up to and including at least in or about 2021, in the Southern District of New York and elsewhere, GERALD MIGDOL, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public of its right to the honest services of Elected Official-1, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, MIGDOL offered to and did give and procure campaign contributions for Elected Official-1 in exchange for Elected Official-1's use of official authority and influence to obtain the Grant.

(Title 18, United States Code, Sections 1343, 1346 and 2.)

COUNT FOUR

(Wire Fraud Conspiracy)

The United States Attorney further charges:

7. From at least in or about 2019, through at least in or about 2021, in the Southern District of New York and elsewhere,

GERALD MIGDOL, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

8. It was a part and an object of the conspiracy that GERALD MIGDOL, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, MIGDOL sent interstate emails facilitating fraudulent contributions to and from the Southern District of New York as part of a scheme to misrepresent and conceal the sources of certain contributions to Elected Official-1's campaign, which contributions were intended to enable Elected Official-1's campaign to procure public matching funds under false pretenses.

(Title 18, United States Code, Section 1349.)

COUNT FIVE

(Aggravated Identity Theft)

The United States Attorney further charges:

9. From at least in or about 2019, through at least in or

about 2021, in the Southern District of New York and elsewhere, GERALD MIGDOL, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, MIGDOL possessed and used, and caused others to possess and use, without authorization, the names and signatures of individuals purported to be contributors to Elected Official-1's campaign during and in relation to the wire fraud conspiracy charged in Count Four of this Superseding Information.

(Title 18, United States Code, Sections 1028A(a)(1),
1028A(b), and 2.)

COUNT SIX

(Falsification of Records)

The United States Attorney further charges:

10. In or about July 2019, in the Southern District of New York and elsewhere, GERALD MIGDOL, the defendant, knowingly did falsify and make a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department or agency of the United States, and in relation to and in contemplation of any such matter, to wit, MIGDOL falsified contribution forms for contributions to a campaign of Elected Official-1 by indicating such contributions were made by others, when in fact those contributions were made and funded by MIGDOL,

with the intent to impede, obstruct, and influence the investigation and proper administration of a contemplated matter, which matter was within the jurisdiction of the United States Department of Justice.

(Title 18, United States Code, Sections 1519 and 2.)

COUNT SEVEN

(Bank Fraud Conspiracy)

The United States Attorney further charges:

11. From at least in or about 2017 up to and including at least in or about 2018, in the Southern District of New York and elsewhere, GERALD MIGDOL, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

12. It was a part and an object of the conspiracy that GERALD MIGDOL, the defendant, and others known and unknown, willfully and knowingly would and did execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, MIGDOL created and caused to be created false documents submitted to a financial institution ("Institution-1")

in order to procure for another person a loan from Institution-1.

(Title 18, United States Code, Section 1349.)



DAMIAN WILLIAMS

United States Attorney

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(18 U.S.C. §§ 371, 666, 1343, 1346,
1028A(a)(1), 1028A(b), 1349, 1519 and
2.)

DAMIAN WILLIAMS
United States Attorney
